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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,500	02/05/2001	Nicholas William Sincaglia	8058 PA05	8385

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EXAMINER

EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,500

Applicant(s)

SINCAGLIA ET AL.

Examiner

Fred I. Ehichioya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The application has been examined. Claims 1 - 20 are pending in this office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1 - 8 are rejected under 35 U.S.C 102(e) as been anticipated by Chen et al. (U.S. Patent 6,412,004 B1).

Regarding claim 1, Chen et al. teaches a method of obtaining media data in a client device from a plurality of media data servers on a network, the method comprising the steps of (see column 1, lines 20 - 24):

accessing a meta data server (see column 1, lines 60 - 65);

receiving meta data from said meta data server (see column 1, lines 50 - 59, lines 65 - 67 and column 2, lines 1 - 2);

utilizing said meta data to locate at least one data server of said plurality of media data servers on the network (see column 1, lines 44 - 49); and

accessing said media data from said at least one media data server (see column 1, lines 25 - 44).

Regarding claim 2, Chen et al. teaches a system for a distributed media network and meta data server, the system comprising:

at least one meta data server connected to a communications network (see column 1, lines 53 - 55);

at least one media data server for retrieving requested media data, the at least one media data server connected to the communications network (see column 1, lines 50 - 59);

at least one client transceiver connected to the communications network for receiving, storing and messaging to said meta data server (see column 1, lines 56 - 59 and column 2, lines 32 - 52); and

at least one meta data information source connected to said at least one meta data server (see column 1, lines 53 - 55 and column 3, lines 55 - 61).

Regarding claim 3, Chen et al. teaches the claim subject matter as discussed in claim 2. Chen et al. further teaches the meta data information source is a meta data database (see column 1, lines 54 - 59).

Regarding claim 4, Chen et al. teaches the meta data information source is a file management system on a computer (see column 1, lines 40 - 43).

Regarding claim 5, Chen et al. teaches a second client transceiver of said at least one client transceiver functions as a first media data server of said at least one media data server, and wherein the at least one meta data server informs said at least one client transceiver that said second client transceiver functioning as a first media data server has access to said requested media data (see column 2, lines 40 - 64).

Regarding claim 6, Chen et al. teaches wherein a first client transceiver of said at least one client transceiver transmits, stores, and messages a second client transceiver of said at least one client transceiver of the communications network (see column 4, lines 55 - 67).

Regarding claim 7, Chen et al. teaches a first media data server of said at least one media data server functions as one client transceiver of said at least one client transceiver (see column 6, lines 27 - 31).

Regarding claim 8, Chen et al. teaches a first media data server of said at least one media data server receives, stores and messages a second media data server of said at least one media data server of the communications network (see column 5, lines 45 - 67; column 6, lines 18 - 26 and lines 60 - 67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 - 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Patent 6,412,004 B1) in view of Iida (U.S. Patent 6,209,787 B1).

Regarding claim 9, Chen et al. teaches a method for receiving and processing requests in a meta data server, said requests received from a client on a communication network, the method comprising the steps of:

performing a client access permission verification (see column 7, lines 1 - 18, lines 60 - 65 and column 8, lines 1 - 20);

receiving a media data request from said client (see column 1, lines 60 - 62);

requesting meta data for said media data request from a meta data database (see column 1, lines 63 - 67 and column 1 - 2); and

transmitting meta data for said media data request to said client over the communication network (see column 4, lines 55 - 58).

Chen et al. does not teach receiving a log in request from said client over the communication network.

However, Iida teaches receiving a log in request from said client over the communication network (see column 73, lines 37 - 45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chen et al. by teaching of Iida wherein receiving a log in request from said client over the communication network. This identifies the equipment of which the user log-in. By requesting login, unauthorized use of the equipment will be avoided.

Regarding claim 10, Chen et al. and Iida teaches the claim subject matter as discussed in claim 9.

Chen et al. further teaches the meta data contains an address for at least one media data server, the method further comprising the step of:

designating a primary media data server of said at least one media data server based upon criteria gathered from the communication network (see column 7, lines 32 - 59).

Regarding claim 11, Chen et al. and Iida teaches the claim subject matter as discussed in claim 10.

Chen et al. further teaches the primary media data server is designated as a first media data server of the at least one media data server having the least number of clients accessing media data files (see column 8, lines 64 - 67 and column 9, lines 1 - 22).

Regarding claim 12, Chen et al. and Iida teaches the claim subject matter as discussed in claim 10.

Chen et al. further teaches the primary media data server is designated as a first media data server of the at least one media data server having a highest reliability rating (see column 4, lines 26 - 33 and column 5, lines 34 - 65).

Regarding claim 13, Chen et al. and Iida teaches the claim subject matter as discussed in claim 10.

Chen et al. further teaches the primary media data server is designated as a first media data server of the at least one media data server having the highest data throughput (see column 8, lines 31 - 35).

Regarding claim 14, Chen et al. and Iida teaches the claim subject matter as discussed in claim 10.

Chen et al. further teaches the primary media data server is designated by the meta data server (see column 8, lines 26 - 31).

Regarding claim 15, Chen et al. and Iida teaches the claim subject matter as discussed in claim 10.

Chen et al. further teaches the primary media data server is designated by the client (see column 8, lines 39 - 48).

Regarding claim 16, Chen et al. and Iida teaches the claim subject matter as discussed in claim 9.

Chen et al. further teaches the meta data for said media data request is for a portion of said media data request, the method further comprising the step of (see column 5, lines 55 - 67):

requesting additional meta data for another portion of the media data file (see column 6, lines 59 - 65 and column 7, lines 1 - 12).

Regarding claim 17, Chen et al. and Iida teaches the claim subject matter as discussed in claim 16.

Chen et al. does not teach requesting an encryption key from the meta data server

However, Iida teaches requesting an encryption key from the meta data server (see column 48, lines 45 - 51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chen et al. by teaching of Iida wherein utilizing encryption technique secures the security of requesting additional data or payment information.

Regarding claim 18, Chen et al. and Iida teaches the claim subject matter as discussed in claim 9.

Iida further teaches requesting an encryption key from the meta data server (see column 48, lines 45 - 51).

Regarding claim 20, Chen et al. teaches the claim subject matter as discussed in claim 16.

Chen et al. further teaches meta data comprises at least one data item, said at least one data item selected from the list of:

a network address of a primary server that has access to the media data file (see column 7, lines 19 - 31);

a directory structure of a primary storage device that contains the media data file (see column 9, lines 19 - 38);

a name of the media data file (see column 9, lines 39 - 45);

a network address of at least one alternate server that has access to the media data file (see column 7, lines 19 - 31);

a directory structure of at least one alternate storage devices that contains the media data file (see column 9, lines 19 - 38);

a network address of a server that has access to a graphical image associated with the media data file (see column 7, lines 19 - 31);

a directory structure of a storage device (see column 9, lines 29 - 31).

a network address of a server that has access to additional information about artistic work contained in the media data file (see column 7, lines 19 - 31);

A network address of a server, which offers a sale of the media data file (column 7, lines 19 - 35);

A network address of a server, which offers a sale of associated products of the media data file (see column 7, lines 19 - 31);

Chen et al. does not teach a name of and owner of the media data file;

a name of a composer of the media data file;

a name of the copyright holder of the media data file;

device that contains a graphical image associated the media data file;

a name of a graphical image file associated the media data file;

a title of an artistic work contained in the media data file;

a title of a body of work in which the media data file is associated;

a name of at least one performer of the media data file;

a name of at least one composer of artistic work contained on the media data file;

a name of at least one creators of the media data file;

device that contains additional information about artistic work contained in the media data file;

a name of a file that contains additional information about artistic work contained in the media data file;

device that contains sales information for the media data file;

a name of a file that contains information on a sale of the media data file;

device that contains sales information for the associated products of the media data file; and

a name of a file that contains information on sales of associated products of the media data file.

However, Iida teaches a name of and owner of the media data file (see column 49, lines 20 - 67);

a name of a composer of the media data file (see column 49, lines 20 - 67);

a name of the copyright holder of the media data file (see column 40, lines 49 - 59);

device that contains a graphical image associated the media data file (see column 37, lines 58 - 67 and column 38, lines 1 - 2);

a name of a graphical image file associated the media data file (see column 37, lines 58 - 67 and column 38, lines 1 - 2);

a title of an artistic work contained in the media data file (see column 12, lines 17 - 25);

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a title of a body of work in which the media data file is associated (see column 11, lines 33 - 36 and column 17, lines 12 - 53);

a name of at least one performer of the media data file (see column 12, lines 17 - 25 and column 17, lines 12 - 53);

a name of at least one composer of artistic work contained on the media data file (see column 12, lines 17 - 25 and column 17, lines 12 - 53);

a name of at least one creators of the media data file (see column 17, lines 12 - 53);

device that contains additional information about artistic work contained in the media data file (see column 79, lines 36 - 57);

a name of a file that contains additional information about artistic work contained in the media data file (see column 11, lines 26 - 36);

device that contains sales information for the media data file (see column 79, lines 64 - 67 and column 80, lines 1 - 35);

a name of a file that contains information on a sale of the media data file (see column 77, lines 29 - 43);

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device that contains sales information for the associated products of the media data file (see column 79, lines 64 - 67 and column 80, lines 1 - 35); and

a name of a file that contains information on sales of associated products of the media data file (see column 80, lines 27 - 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chen et al. by teaching of Iida wherein videos, CDs, musical selections or any other multimedia data selection from the metaserver is based on artistic work, composer and copyright holder. It also provides a system for purchasing a personal recording media, which is capable of selecting or designating the customer's favorite musicians or artists, selecting or designating musical compositions by the selected musicians or artists, and purchasing a personally original compilation recording media composed of the selected musical compositions.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Patent 6,412,004 B1).

Regarding claim 19, Chen et al. teaches a method in a client device for obtaining a media data file from a media data server, the method comprising the steps of:

logging into a meta data server (see column 5, lines 55 - 67 and column 6, lines 1 - 17);

requesting meta data associated with said media data file from said meta data server (see column 8, lines 64 - 67);

receiving said meta data associated with said media data file (see column 8, lines 67 and column 9, lines 1 - 5);

requesting said media data file from said media data server identified by said meta data (see column 9, lines 46 - 60); and

receiving said media data file from said media data server (see column 8, lines 14 - 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chen et al. wherein device for obtaining a media data file from a media data server

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provides data streams for a plurality of clients computers. Each client computer includes a video and audio display device. Each metaserver memory includes a metaserver database that includes information about the video data streams stored in all multimedia servers.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-303-3900.

FE
January 7, 2003


JEAN M. CORRIELUS
PRIMARY EXAMINER